

**BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2019-390-E**

IN RE: Ganymede Solar, LLC,)
Petitioner,)
v.)
Dominion Energy South Carolina,)
Incorporated)
Respondent.)

**REPLY
TO RESPONSE TO MOTION**

INTRODUCTION

Dominion Energy South Carolina, Incorporated (“DESC”, or “Utility”), filed its Response in Opposition to Motion for Clarification of Order No. 2020-43, with this Commission on January 29, 2020.

Accordingly, Ganymede Solar, LLC’s (“Project”) Reply to the Response to the Motion for Clarification follows.

REPLY

1. The Utility’s Response to the Project’s Motion for Clarification contains its usual argument regarding an “Injunction”. Nowhere in the Project’s filings has the Project requested an Injunction or referenced an Injunction, and the Utility cannot point to such a reference. As discussed below, the Project’s requests for relief are predicated on the Commission’s statutory powers under S.C. Code Ann. § 58-27-980, which confers on the Commission “full power and authority ... to accomplish the purposes expressed in this section.” Therefore, the Utility’s argument in its Response concerning an Injunction should be ignored, because an Injunction is not an issue in this case.

2. Similarly, the Utility’s argument on the Utility’s termination of the Project’s Interconnection Agreement and the removal of the Project’s queue position, is not applicable to the Project’s Motion for Clarification. The Project’s Motion for Clarification concerns the Utility’s argument that this Commission does not have the authority to maintain the status quo between the parties, to allow this Commission time to exercise this Commission’s broad supervisory authority, granted by the South Carolina General Assembly.

3. The Utility's Response is notable for what it did not include, rather than what the Response included. The Utility's Response did not address Exhibits "B" and "C" to the Motion for Clarification, wherein the Utility purports to gain an improper advantage in this matter, by way of Exhibits "B" and "C" deciding the dispute before this Commission has a chance to actually conduct a Hearing.

4. As a follow up to paragraph "1" hereinabove, the Project offers the following. Rather than seeking an Injunction, the Project sought relief under S.C. Code Ann., Section 58-27-980, which gives this Commission broad supervisory authority, granted by the South Carolina General Assembly and described as being, "Full Power and Authority". Specifically, S.C. Code Ann., Section 58-27-980 states that, "No contract... shall be exempt from alteration, control, regulation and establishment by the Commission, when in its judgment the public interest so requires..." and "...unless [a Contract, in this case, the Company's Interconnection Agreement] be subject to amendment, modification, change or annulment by the Commission...."

5. It is irrational for the Utility to acknowledge this Commission's broad supervisory authority over Contracts and then to argue that the South Carolina General Assembly, in giving this Commission its expansive power over Contracts, **failed to give this Commission the right to maintain the Status Quo between the parties** to give this Commission time to hear and decide a pending matter. This Commission will determine whether it should exercise its powers in the public interest at that Hearing and should not be usurped by a Utility sending correspondence purporting to end the case, before this Commission's Hearing. The Utility's bizarre argument is that this Commission has authority to hear this dispute, but no practical way to accomplish that review by maintaining the status quo between the parties.

6. The Utility's arguments against the Project's Motion fail because of the foregoing and this Commission's, "Full Power and Authority" to decide this dispute.

CONCLUSION

WHEREFORE, based on the foregoing, including this Commission's broad supervisory authority under S.C. Code Ann., Section 28-27-980, this Commission should clarify its Directive Order No. 2020-43, and this Commission should instruct Respondent, DESC to rescind its improper actions purporting to terminate the Project's Interconnection Agreement and purporting to remove the Project from its rightful queue position, therefore allowing time for this Commission to hear and decide this matter.

The Project respectfully requests that the relief sought in the Project's Motion for Clarification be granted; and

**FOR SUCH OTHER AND FURTHER RELIEF AS THIS COMMISSION
MAY DEEM JUST AND PROPER.**

This 3rd day of February, 2020

Respectfully Submitted,

/s/Richard L. Whitt,

Richard L. Whitt,
Richard@RLWhitt.Law
WHITT LAW FIRM, LLC
401 Western Lane, Suite E
Irmo, South Carolina 29063
(803) 995-7719

As Counsel for Ganymede Solar, LLC.